

REMARKS

Claims 22-26, 28-33, 36-45, 47-50, 52-69, 71-73, 75-87, 90-93 and 95 are pending. Of these, claims 66-69, 71-73, 91 and 92 have been withdrawn from consideration. Claims 22-26, 28-33, 36-45, 47-50, 52-65, 75-87, 90, 93 and 95 are rejected. Applicants have canceled the withdrawn claims, but expressly reserve the right to pursue these claims in one or more Continuing applications. Claims 22, 31, 39, 42, 66 and 90 have been amended. New claims 96 and 97 have been added. Reconsideration of the rejection is respectfully requested in view of the following remarks.

Applicants respectfully submit that the instant amendment is fully supported by the specification as originally filed. In particular, the first complete paragraph on page 13 indicates that soluble collagen is a candidate lubricant, and that lubricants may be a liquid or a solid and may be suspended or dissolved in a carrier solvent. Thus, the claimed “dissolved collagen” is embraced by this disclosure, Applicants respectfully submit. Support in claim 22 for the removal of at least a portion of the suspension fluid can be found on page 12, lines 28 and 29. Furthermore, support for the claimed suspension fluid being water (claim 96) can be found in example 1 on page 44, which describes water being expelled from the product under pressure. Support for the claimed carrier solvents being water, alcohol or acetone can be found on page 13, lines 13-15.

Applicants furthermore respectfully submit that the instant amendments can be made at this stage of prosecution, i.e., after final rejection, because the amendments are submitted in connection with a Request for Continued Examination.

Claim Rejections – 35 USC §102/103

Claims 22-26, 28-33, 36-41, 75-77, 80-81, 84, 87, 90, 93 and 95 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,158,574 to Stone (hereinafter referred to as “Stone”) as evidenced by U.S. Patent No. 3,616,205 to Ito (hereinafter referred to as “Ito”). Claims 22-26, 28-30, 36-38, 42-45, 47-48, 52-65, 75-84, 87, 90, 93 and 95 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. US2002/0127270 to Li (hereinafter referred to as “Li”) as evidenced by Ito. Claims 22-26, 28-33, 36-50, 52-65, 75-87, 90, 93 and 95 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stone as evidenced by Ito in view of Li and further in view of U.S. Patent No. 6,428,576 B1 to Haldimann. Applicants respectfully traverse these rejections.

Applicants respectfully submit that none of Stone, Ito, Li or Haldimann discloses or suggests the claimed invention. Specifically, none of the cited references, whether taken individually or in permissible combinations, discloses or suggests the claimed implantable device featuring a lubricant comprising dissolved collagen. Thus, the claimed invention is patentably different over what is disclosed in the cited documents, Applicants respectfully submit.

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Accordingly, Applicants respectfully request that these rejections be withdrawn.

In view of the amendments and the above remarks, Applicants respectfully submit that the instant application is in condition for allowance. Accordingly, Applicants respectfully request issuance of a Notice of Allowance directed to claims 22-26, 28-33, 36-45, 47-50, 52-65, 75-87, 90, 93 and 95-97.

Should the Examiner deem that any further action on the part of Applicants would be desirable, the Examiner is invited to telephone Applicants' undersigned representative.

Respectfully submitted,


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